

## **Customer and Corporate Services Scrutiny 8<sup>th</sup> February 2021 Management Committee**

### **Report of the Director of Governance**

#### **Covering report for Annual Complaints Report March 2019 to April 2020**

##### **1. Summary**

1.1 This covering report provides Members with highlights from the Annual Complaints Report March 2019 to April 2020 which is shown in full at Annex 1.

##### **2. Background**

2.1 The council produces and publishes the annual report covering

- Complaints about adults (including Public Health) and children's social care services which are dealt with under two separate pieces of legislation
- Complaints about other council services dealt with under the council's Corporate Complaints and Feedback procedures
- Ombudsmen cases – both the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS)
- Other feedback including compliments received.

2.2 This annual report has previously been to the council's Governance Risk and Assurance Group (GRAG) and CMT and also to Audit and Governance Committee.

##### **3. Adults Social Care overview**

3.1 Whilst the council's complaints team receive copies of compliments received by this service area, we know that many more are received that are either not recorded or passed on.

However below are some examples of those that have been recorded:

- *Thank you for calling an ambulance in time and saving customers life.*
- *Thank you for the time and effort with a relatives move into a care home*
- *Worker was professional and treated customer with dignity.*
- *Worker went above and beyond in end of life arrangements*

3.2 In adults social care complaints, we have to use the Department of Health's tool for grading or assessing the seriousness of complaints and to decide the relevant action. This is shown on pages 25 and 26 of Annex 1.

3.3 There was an increase in the number of complaints in 19/20 compared to the previous year dealt with under the legislative adult's social care complaints requirement – it rose from 21 to 53.

3.4 However there was a decrease in those complaints dealt with under the corporate policy from 12 to 4.

3.5 It is important to note though that receiving larger numbers of complaints is not always a negative, because it can also reflect that the procedures we have in place are accessible and that customers are supported to make complaints which provide invaluable feedback.

3.6 Feedback from complaints especially where there are related themes, provides the service area with invaluable information to review and improve the services they provide. In this annual report concerns about the increase in the number of complaints about a lack of action and arrangements for care provision for young people moving into adult services were identified and the complaints team continue to work with senior managers to ensure any lessons are identified and service improvements made where necessary. Examples of where this happened are:

- Review of support for people receiving Direct payments
- Further Monitoring and auditing of the service, to analyse in greater detail any safeguarding, accidents and incidents which occur, and learn lessons from these.

- Reminder to staff of the importance of contacting a GP rather than a nurse where appropriate
  - Reminder to staff of the importance of recognising families comments about what their relatives need.
- 3.7 It is important to remember that the legislation and guidance for adults social care complaints does not prescribe actual timescales for responses. However we manage and monitor performance in this area using best practice across the different complaints legislation and guidance.
- 3.8 Across the three grades of complaints (Green, Amber, Red) it is significant to note that the timeliness of responses fall within the shortest timescale:
- 73% of Green graded complaints were responded to within 10 days
  - 57% of Amber graded complaints were responded to within 25 days
  - 50% of Red graded complaints were responded to within 25 days

#### **4. Children's Social Care overview**

- 4.1 Similar as in Adults Social Care, we are aware that not all compliments received are recorded. However some examples recorded are:
- *... delivered with respect, politeness and professionalism*
  - *... staff at Mash are taking the time to listen & share.*
  - *Social Worker always professional, nothing too much trouble and made the family feel valued.*
- 4.2 In Children's social care complaints, the complaints team conduct an assessment of the issues raised including severity, complexity, risk to the customer and other customers, risk to the authority, history of similar complaints and likelihood of future similar complaints to grade the complaint into Stage 1, 2 or 3. Other considerations include, the outcomes wanted to resolve the complaint, who is best placed to consider and effectively respond to the complaint and the complainant's views of how the complaint should be dealt with.

- 4.3 There was an increase in complaints under the children's social care procedure during 19/20 compared to the number received the previous year. It rose from 44 to 91.
- 4.4 There was also an increase in complaints dealt with through the corporate policy from 4 in the previous year, to 12 in 19/20
- 4.5 It is important to note though that receiving larger numbers of complaints is not always a negative, because it can also reflect that the procedures we have in place are accessible and that customers are supported to make complaints which is especially important for children and young people.
- 4.6 From work undertaken to understand this increase, we determined there were a number of factors involved. These include a significant period of change within the service area and resource challenges and also the actions we took as a council and in the service area, following the public maladministration report from the LGSCO in the previous year. Part of this was providing a programme of staff training and awareness sessions to increase their understanding of the procedure and how they can ensure children and young people are aware of and can be supported, to make complaints.
- 4.7 Feedback from complaints especially where there are related themes, provides the service area with invaluable information to review and improve the services they provide. In this annual report, the main theme concerned a lack of action, predominantly related to delays with communication and updating family members and delays in progressing work.
- 4.8 Work has already been undertaken to improve this area of concern including work by the Assistant Director and managers to improve communication and keeping customers up to date.
- 4.9 The legislation prescribes the timescales for dealing with complaints at each of the three stages and whilst there is room for improvements in this area, it is important to remember that this area of complaints are often complex, with a number of elements as well as the need to arrange advocates for the complainant(s) and appointments with both staff and complainants, particularly at

an adjudication stage. The complaints team ensures that complainants are kept updated in these circumstances.

4.10 A significant area of sustained improvement is that there have been no cases where responses were not sent at Stage 2 for the last two years. This demonstrates the ongoing commitment from senior managers to deal with complaints effectively and use the feedback to learn lessons and improve their services. Other examples of improvements made are:

- Strengthened care reviews
- Improved timeliness of sharing documents.
- Making sure copied of reports are included on files
- Review services for Special Guardianship cases
- Management of cases completed by qualified rather than unqualified workers
- Improved communication

## **6. Corporate Complaints Overview**

6.1 The corporate complaint policy and procedures is used for all complaints about council services where there is no statutory procedure or legal/appeal process.

6.2 We record compliments received across these council services and areas and although as in Adults and Children's social care, we know not all are recorded, some examples are:

- *Thank you for your help at a difficult time, your assistance, help & kindness was appreciated.*
- *Praise regarding assistance provided with application, following inspection.*
- *Thank you to gardeners for work on customer's house.*
- *Thank you for work on kitchens at Schools.*
- *Officer is knowledgeable, answering questions and dealing with our application.*

6.3 There are three stages in the corporate policy and the complaints team assess the appropriate stage taking account of issues such as:

- risk to the customer and the authority

- severity of the risk
- whether the issues in question are a one off, are a reoccurrence and likelihood of reoccurrence.

6.4 All directorates respond in time to the majority of complaints at stages 1, 2 and 3. However where this is not the case, it is important to note that that directorate/service areas provides a service to every household in York weekly and is probably the most highly visible council service.

6.5 Corporate complaints provide senior managers with useful information in respect of the way that services are delivered and examples of improvements made are:

- Road markings were reinstated
- Additional quality checks and monitoring
- Improved communication and updates

## **7. LGSCO overview**

7.1 The LGSCO provides an annual review letter about the council covering April to March each year to help us assess our performance in handling complaints.

7.2 The LGSCO dealt with 68 cases about the council in April 2019 to March 2020 with 61 cases being concluded within this time period. (This therefore includes cases which were received but not concluded in the previous reporting period).

7.3 In 100% of cases the LGSCO were satisfied that the council had successfully implemented their recommendations. This compares to an average of 99% in similar authorities, and sees an improvement on the previous year.

7.4 In 17% of upheld cases the LGSCO found the council had provided a satisfactory remedy before the complaint reached them. This compares to an average of 11% in similar authorities. In practice this means that although the LGSCO found there had

been fault, the council had already acknowledged this and provided an appropriate remedy.

- 7.5 The complaints team are currently reviewing the way it works as well as reviewing the corporate complaints policy and procedures with the aim of having an up to date, robust and effective complaints toolkit for use across the council and for customers.

## **8. Consultation**

Not relevant for the purpose of this report.

## **9. Options**

Not relevant for the purpose of this report.

## **10. Analysis**

Not relevant for the purpose of this report.

## **11. Council Plan**

- 11.1 The council's information governance framework offers assurance to its customers, employees, contractors, partners and other stakeholders that all information, including confidential and personal information, is dealt with in accordance with legislation and regulations and its confidentiality, integrity and availability is appropriately protected.

## **12. Legal Implications**

The Council has a duty to comply with the various aspects of information governance related legislation.

## **13. Risk Management**

The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can currently impose civil monetary penalties up to 20million euros for serious data security breaches. The failure to identify and manage information risks may diminish the council's overall effectiveness and damage its reputation. Individual(s) may be at risk of committing criminal offences.

## 14. Recommendations

Members are asked:

- To note the details contained in this report.

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Report  
Approved

Date 12th November  
2020

**Wards Affected:** List wards or tick box to indicate all

All

For further information please contact the author of the report

### Annexes

Annex 1 – Annual Complaints Report April 2019 to March 2020

### Background Information

Not applicable